

Prepared by:
USDA, Rural Development
3260 Hwy. 51 South
Hernando, MS 38632; 429-8687
Return to: Grantee

3/17/09 3:09:18 SS
BK 604 PG 682
DESOTO COUNTY, MS me
W.E. DAVIS, CH CLERK

SUBSTITUTE TRUSTEE'S DEED

WHEREAS, the United States of America, acting by and through the United States Department of Agriculture, is the owner and holder of the following real estate deed(s) of trust, securing an indebtedness therein mentioned, and covering certain real estate hereinafter described located in DeSoto County, Mississippi, said deed(s) of trust being duly recorded in the Office of the Chancery Clerk in and for said County and State:

GRANTORS	DATE EXECUTED	TRUST DEED BOOK	PAGE
Harry E. Waring and Judy W. Waring	June 13, 1977	212	519
Kerry B. Morgan, a single person	March 22, 1994	696	328

The indebtedness secured by the Deed of Trust dated June 13, 1977, and executed by Harry E. Waring and Judy W. Waring was assumed by Kerry B. Morgan by Assumption Warranty Deed dated March 22, 1994, and recorded in the office of the aforesaid Chancery Clerk in Deed Record Book 268 at Page 657 and with Assumption Agreement dated March 22, 1994.

And default having been made in the payment of said indebtedness;

And the United States of America, as Beneficiary, having authorized and instructed the Substitute Trustee to foreclose said deed(s) of trust by advertisement and sale at public auction as required by law;

The said Substitute Trustee caused a due notice to be published in the **DeSoto Times-Tribune**, a newspaper published in the City of **Hernando**, said County and State, and on **February 19, 2009**, posted alike notice on the bulletin board of the County Courthouse in **Hernando**, Mississippi, that certain lands herein after described would on **March 16, 2009**, be sold at public auction at the **East** front door of said Courthouse to the highest bidder for cash by virtue of the authority vested in the said Substitute Trustee by said deed(s) of trust, which said notice was published in said newspaper in the issues of **February 19, February 26, March 5, and March 12, 2009**.

And said lands having been sold by said Substitute Trustee on **March 16, 2009**, within legal hours (being between the hours of 11:00 AM and 4:00 PM), in the manner prescribed in and by said deed(s) of trust and in accordance with the laws of the State of Mississippi, and at the place aforesaid in pursuance of said notice, offered for sale at public auction to the highest bidder for cash, and Brian J. Moore, having been the highest bidder therefore and having bid the sum of Thirty-seven thousand, seven-hundred fifty, and no/100 Dollars (\$37,750.00), the said Brian J. Moore was duly declared the purchaser thereof.

Grantee

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NOW, THEREFORE, in consideration of the sum so bid, I, **Johnny M. Shell**, as Substitute Trustee, do hereby convey and sell to the said **Brian J. Moore**, the following described land situated in **DeSoto County, Mississippi**, to-wit:

(SEE ATTACHED LEGAL DESCRIPTION)

being the same property described in said deed(s) of trust and the same property sold and purchased at said sale.

I, **Johnny M. Shell**, Substitute Trustee, convey only such title as is vested in me as Substitute Trustee.

IN WITNESS WHEREOF, I have caused these presents to be signed the 16th day of March, 2009.



Johnny M. Shell
Substitute Trustee
Duly authorized to act in the premises by instrument dated **June 9, 2008** and recorded in Book 1, Page 38 of the records of the aforesaid County and State.

ACKNOWLEDGEMENT

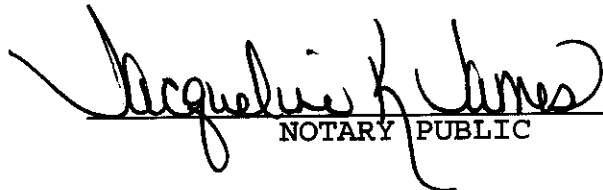
STATE OF MISSISSIPPI)
) SS:
COUNTY OF DESOTO)

Personally appeared before me, **Jacqueline K. James**, a notary public in and for the County and State aforesaid **Johnny M. Shell**, Substitute Trustee, who acknowledged that he signed and delivered the foregoing Substitute Trustee's Deed on the day and year therein mentioned.

Given under my hand this 16th day of March, 2009.

My Commission Expires:

September 18, 2010



NOTARY PUBLIC

Grantor: **Johnny M. Shell**, Substitute Trustee for the United States of America; 175 Broom Ridge Rd., Suite C, Mississippi 39606; telephone (662) 578-7008.

Grantee: **Brian J. Moore, 3223 Grand Oaks Dr., Hernando, MS 38632; 662-449-3518 or 901-574-1312**

Lot 576, Section "D", Twin Lakes Subdivision, in Section 6, Township 2 South, Range 8 West, Desoto County, Mississippi, according to a map or plat thereof on file and of record in the Office of the Chancery Clerk of DeSoto County, Mississippi, in Plat Book 10, Pages 32 and 33.

AFFIDAVIT OF FORECLOSURE PROCEEDINGS

STATE OF MISSISSIPPI)
) SS:
 COUNTY OF DESOTO)

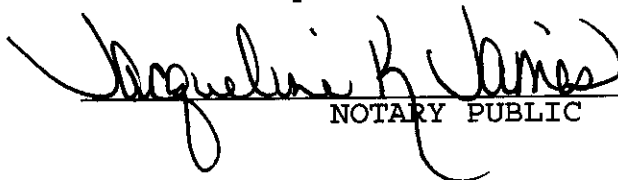
Johnny M. Shell, being first duly sworn on oath, deposes and says that on February 19, 2009, as **Substitute Trustee**, he posted a copy of the Notice annexed to the foregoing Publisher's Affidavit on the bulletin board of the County Courthouse in **Hernando**, Mississippi; that further, he was authorized and instructed by the Beneficiary to foreclose certain deed(s) of trust by advertisement and sale; that he acted as auctioneer for the sale of the premises described in the notice annexed to the foregoing Publisher's Affidavit and that pursuant to such Notice of Sale, he sold said premises at public auction at the place and at the time of sale mentioned therein, to wit: At the hour of 11:00 on **March 16, 2009**, at the **East** front door of the County Courthouse in the aforesaid County where said premises are situated; and that said premises were then and there purchased by Brian J. Moore for the sum of \$37,750.00, said purchaser being the highest bidder, and said sum being the highest sum bid; and deponent further says that said sale was conducted fairly, honestly, and according to the terms of said deed(s) of trust and the laws of the State of Mississippi, and that to the best of his knowledge and belief, the Grantor(s) are not members of the Armed Services of the United States of America.



 Johnny M. Shell



Subscribed and sworn to before me this 16th day of March 2009.



 NOTARY PUBLIC

My Commission Expires:

September 18, 2010



PROOF OF PUBLICATION

THE STATE OF MISSISSIPPI
COUNTY OF DESOTO

Diane Smith personally appeared before me the undersigned in and for said County and State and states on oath that she is the CLERK of the DeSoto Times-Tribune, a newspaper published in the town of Hernando, State and County aforesaid, and having a ge
tion in said county, and that the publication of the notice, a copy of which is here
has been made in said paper 4 consecutive times, as follows, to-wit:

NOTICE OF SALE
WHEREAS, the United States of America, acting by and through the United States Department of Agriculture, is the owner and holder of the following real estate deed(s) of trust, securing an indebtedness therein mentioned and covering certain real estate hereinafter described located in Desoto County, Mississippi, said deed(s) of trust being duly recorded in the Office of the Chancery Clerk in and for said County and State:
GRANTORS
Harry E. Waring and Judy W. Waring
DATE EXECUTED
June 13, 1977
TRUST DEED BOOK
212
PAGE
519
GRANTORS
Kerry B. Morgan, a single person
DATE EXECUTED
March 22, 1994
TRUST DEED BOOK
696
PAGE
328
The indebtedness secured by the Deed of Trust dated June 13, 1977, and executed by Harry E. Waring and Judy W. Waring was assumed by Kerry B. Morgan by Assumption Warranty Deed dated March 22, 1994, and recorded in the office of the aforesaid Chancery Clerk in Deed Record Book 268 at Page 657 and with Assumption Agreement dated March 22, 1994.
WHEREAS, default has occurred in the payment of the indebtedness secured by said deed(s) of trust, and the United States of America, as Beneficiary, has authorized and instructed me as Substitute Trustee to foreclose said deed(s) of trust by advertisement and sale at public auction in accordance with the statutes made and provided therefor.

Volume No. 114 on the 19 day of Feb., 2009
Volume No. 114 on the 26 day of Feb., 2009
Volume No. 114 on the 5 day of Mar., 2009
Volume No. 114 on the 12 day of Mar., 2009
Volume No. _____ on the _____ day of _____, 2009
Volume No. _____ on the _____ day of _____, 2009

Diane Smith

Sworn to and subscribed before me, this 12 day of March, 2009

BY Judy H. Douglas

NOTARY PUBLIC STATE OF MISSISSIPPI AT LARGE
MY COMMISSION EXPIRES: JANUARY 16, 2013
BONDED THRU DIXIE NOTARY SERVICE, INCORPORATED

A. Single first insertion of 447 words @ .12 \$ 53.64
B. 3 subsequent insertions of 1341 words @ .10 \$ 134.10
C. Making proof of publication and depositing to same \$ 3.00
TOTAL PUBLISHER'S FEE: \$ 190.74

THEREFORE, notice is hereby given that pursuant to the power of sale contained in said deed(s) of trust and in accordance with the statutes made and provided therefor, the said deed(s) of trust will be foreclosed and the property covered thereby and hereinafter described will be sold at public auction to the highest bidder for cash at the East front door of the County Courthouse in the city of Hernando, Mississippi, in the aforesaid County and will sell within legal hours (being between the hours of 11:00 AM and 4:00 PM) on March 16, 2009, to satisfy the indebtedness now due under and secured by said deed(s) of trust.
I will convey only such title as is vested in me as Substitute Trustee.
The premises to be sold are described as:
Lot 576, Section "D", Twin Lakes Subdivision, in Section 6, Township 2 South, Range 8 West, Desoto County, Mississippi, according to a map or plat thereof on file and of record in the Office of the Chancery Clerk of DeSoto County, Mississippi, in Plat Book 10, Pages 32 and 33.
February 19, 2009
Date
/s/Johnny M. Shell
Substitute Trustee
Duly authorized to act in the premises by instrument dated June 9, 2008, and recorded in Book G-1, Page 38, of the records of the aforesaid County and State.
2/19/09, 2/26/09, 3/05/09 & 3/12/09

